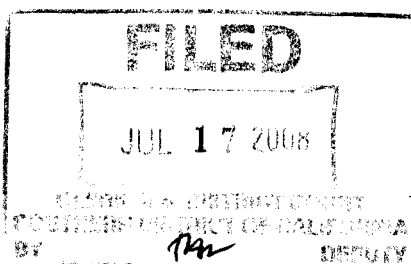


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8653

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gilbert Brian VILLANUEVA,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 16, 2008, within the Southern District of California, defendant Gilbert Brian VILLANUEVA did knowingly and intentionally import approximately 16.38 kilograms (36.03 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rosalinda Estrada, Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY
OF JULY 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.

3 Gilbert Brian VILLANUEVA

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to U. S.
6 Immigration and Customs Enforcement Special Agent Rosalinda Estrada.

7 On July 16, 2008, at approximately 1308 hours, Gilbert Brian VILLANUEVA attempted
8 to enter the United States from the Republic of Mexico through the Calexico, California, West
9 Port of Entry. VILLANUEVA was the driver, registered owner, and sole occupant of a 2003
10 Chevrolet Silverado bearing CA/US license plate 7C15315.

11 During a pre-primary roving operation, Canine Enforcement Officer (CEO) J. Jones
12 received a positive alert from his assigned Human Narcotics Detector Dog (HNDD).

13 During primary inspection, Customs and Border Protection Officer (CBPO) O. Tavizon
14 received a negative Custom's declaration from VILLANUEVA. CBPO Tavizon escorted
15 VILLANUEVA and the vehicle to the vehicle secondary lot for further inspection.

16 During secondary examination, CBPO Parker received a negative oral Custom's
17 declaration from VILLANUEVA. When CBPO Parker inquired about the vehicle,
18 VILLANUEVA stated the vehicle was registered in his name. VILLANUEVA further stated he
19 was going to El Centro, California.

20 Upon further inspection of the vehicle, CEO J. Jones discovered fifteen (15) packages
21 concealed inside a specially-built compartment under the center console. CEO J. Jones probed
22 one of the packages. The package contained a white powdery substance that field-tested positive
23 for cocaine. The 15 packages had a combined weight of approximately 16.38 kilograms (36.03
24 pounds).